

THE NON-FLOOD PROTECTION ASSET MANAGEMENT AUTHORITY  
MINUTES OF MONTHLY BOARD MEETING  
THURSDAY, MARCH 17, 2011 – 5:30 P.M.

The regular monthly meeting of the Board of the Non-Flood Protection Asset Management Authority of the Orleans Levee District was held on Thursday, March 17, 2011 at 5:30 P.M., in the Lake Vista Community Center, 2<sup>nd</sup> Floor, 6500 Spanish Fort Blvd., New Orleans, Louisiana after due legal notice of the meeting was sent to each Board member, the news media, and a copy of the call was posted.

Commissioner Hoffman chaired the meeting in the absence of Chairman Lupo and called the meeting to order at 5:45 p.m. and led in the Pledge of Allegiance.

The roll was called and a quorum was present.

**PRESENT:**

Commissioner Carlton Dufrechou  
Commissioner Darrel Saizan  
Commissioner Michael Bridges  
Commissioner Wilma Heaton  
Commissioner Stanley Brien  
Commissioner William Hoffman  
Commissioner Greg Ernst  
Commissioner Pearl Cantrelle

**ABSENT:**

Chairman Robert E. Smith Lupo  
Commissioner Romona Theresa Baudy  
Commissioner Joe Hassinger  
Commissioner John B. Trask

**STAFF:**

Louis Capo, Executive Director  
Dawn Wagener, Non-Flood  
Sharon Martiny, Non-Flood  
Major Donald Booth, Police  
Nina Marchand, Non-Flood

**ALSO PRESENT:**

Steve Nelson  
Capt. Brock Schmidt  
Charles Curtis  
Albert Pappalardo  
Hardie Edgecombe  
Susan Bollington  
Betty Bourgeois  
Gary French  
Allen Thomas  
Tim Avegno  
Rodger Wheton  
Robert Drouant  
Koula Vennis  
Brett DuMontier  
Tom Bagwill  
John Davis  
Walter Baudier  
Vanessa Coleman  
Constandinos Vennis  
Sharon Cannon  
Teresa D. Lake  
Michael F. Vitt  
J.R. Seyle  
Roy Landeche

### **ADOPT AGENDA**

Commissioner Saizan offered a motion to adopt the Agenda, seconded by Commissioner Bridges and unanimously adopted with one modification by Commissioner Hoffman. Under New Business, Motion No. 7 regarding the Fiscal Budget was moved to the first position under New Business followed by the listed motions on the Agenda.

### **APPROVAL OF PRIOR MINUTES**

Commissioner Brien offered a motion to approve the minutes of the Board meeting held February 17, 2011 seconded by Commissioner Saizan and unanimously adopted.

Commissioner William Hoffman conducted the Board meeting in the absence of Chairman Robert E. Smith Lupo.

### **REPORT BY EXECUTIVE DIRECTOR**

Mr. Capo reported good news for Lakeshore Dr. regarding tree planting. Non-Flood Protection Asset Management Authority partnered with Mr. Al Pitre of the Lakeview Civic Association, Ms. Connie Udo with Hike for Ka-tree-na and Mr. John Benton with Bayou Tree Service. Over the last week 144 trees have been planted between Shelter #1 and the Mardi Gras Fountain with the help of the West Point Cadets. Lakeview Civic Association has provided funding to keep the trees watered for one year.

### **PRESENTATIONS**

#### **Capt. Brock Schmidt - U.S. Army Corps of Engineers**

Capt. Schmidt gave an update stating from west to east on construction progress. At LV101, there are 18 walls left to construct and 261 piles to drive. This will be complete May 15, 2011. Most relocations have been worked through which is the biggest hurdle of the project. There are four relocations left to complete. All grass planted in the winter months will be brought up and Bermuda grass will be planted. All concrete is in place at Rail Street with paving to begin April 12, 2011. There are 5 concrete pours to be completed at Lake Terrace with an April 12, 2011 start date for paving. The last piece to get paved along Lakeshore Dr. is the UNO ramp. This paving will be tied together for a completion date of April 12, 2011 which will complete all paving for Lakeshore Dr. This will meet the April 17, 2011 date for the Triathlon and the April 20, 2011 for the entire opening of Lakeshore Dr. The north side of the Boat Launch at Seabrook will be open prior to April 17, 2011 also. The one way entrance from Leon C. Simon Bridge at Seabrook headed east will not be opened because of ongoing construction. Outreach will be constructing walls and the gate for Norfolk Southern Railroad. The actual vehicle gate being replaced will not be delivered until April 20, 2011. Lakeshore Dr. behind Lake Oaks will be repaved and opened prior to April 20, 2011.

There were issue previously discussed regarding drainage between Landry's and Canal. This is outside of the footprint so this will not be opened. The shells at the far eastern end are presently being removed and this area will be re-grassed with Bermuda grass in the mid-April time frame. All grassing should start in that area between April 1 and April 20, 2011. The issue regarding lighting on Lakeshore Dr. was addressed by e-mail to Mr. Capo. Approximately March 25, 2011 all permits will be complete and all analysis of the levee will be complete for the start of construction. DEI will be looking at the new criteria established. When the levees were built, actual criteria was not established when the levees were designed. We are looking at the placement of actual electric boxes that DEI has proposed. They will be placed in the levee but spaced out more leaving additional space for additional fill or clay if need be. Pile driving is complete next to Seabrook. The coffer dam is in place at Seabrook Boat Launch on the north side and will be complete on the south side by May at which time it will be de-watered and construction will follow. The coffer dam provides a 100 year level of

protection. 10501 is progressing with 160 piles left to drive in that area. There are 7 of 31 footers in and walls will be poured next week. There will be four walls poured per week with a completion date of May 15, 2011. 10502 is going well. There was an issue relocating a signal box for the railroad. Piles are driven from 7:00 a.m. to 7:00 p.m. in that area. The I-wall has been placed along the large length of Hayne Blvd. Capping should be complete by June 1, 2011 and concrete will be placed shortly thereafter. All projects will be grassed as each section is finished. The overall plan for Orleans Metro is a completion date of April 15, 2011 of all walls. Paving on Lakeshore Dr. will be complete by mid June. There will be a 100 year level of protection for the City by June 1, 2011. Seabrook Boat Launch to West End will be open to the public on April 20, 2011. Shells are being removed from the grassy area north of the UNO Arena by Franklin Avenue and this area will be reseeded and re-grassed.

## **COMMITTEE REPORTS**

### **1) Airport Committee**

The Airport Committee met on March 1, 2011. URS gave a presentation on the Master Plan for the Lakefront Airport. Commissioner Saizan stated that the Committee is moving towards solving issues at the Airport in concert with what is being done at the Airport. Commissioners were presented with a copy of the Master Plan for the Lakefront Airport.

All other committee meetings were cancelled due to Mardi Gras.

## **EXECUTIVE SESSION**

Flightline Ground, Inc. d/b/a Flightline First v.  
La. Dept. of Transportation and Development, as Successor to the La.  
Division of Administration and The Board of Commissioners for the  
Management of the Lakefront Airport; Non-Flood Protection Asset  
Management Authority, as Successor to the Board of Commissioners of  
the Orleans Parish Levee District and Orleans Parish Levee District,  
Division of the Non-Flood Assets  
Pursuant to 14 C.F.R. § 16.13(f)  
FAA No.: 16-11-01

A unanimous roll call vote was taken to go into Executive Session.  
Upon exiting from Executive Session, Commissioner Hoffman stated that no  
votes were taken.

## **NEW BUSINESS**

### **Motion 07-031711**

The Non-Flood Protection Asset Management Authority has reviewed financial projections for Fiscal Year Ending June 30, 2012 for the Authority, including estimated revenues and expenditures and funding in the following amounts is required as detailed by the line item budgets for Fiscal Year Ending June 30, 2012. Revenues, Recurring - \$4,363,566; Non-Recurring/Transfers \$762,920; Total Revenues \$5,126,486; Expenditures from Operations total \$5,126,486. The Authority is mandated to submit an approved budget by April 1, 2011, to the Joint Legislative Committee on the Budget and other various oversight authorities. The Finance Committee at its meeting held on February 3, 2011, reviewed and recommended approval of the Non-Flood Protection Asset Management Authority Budget for the Fiscal Year Ending June 30, 2012. The Non-Flood Protection Asset Management Authority approves the Fiscal Year Ending June 30, 2012 General Fund Budget for the Non-Flood Protection Asset Management Authority.

Commissioner Saizan moved to defer approving the 2012 Fiscal Budget as all Commissioners were not present at the Board meeting. Chairman Saizan informed that the matters on the budget are of a serious nature considering the budget deficit. Commissioner Saizan suggested having another meeting to approve the budget prior to April 1, 2011. Commissioner Heaton seconded the motion and it was unanimously adopted. Commissioner Hoffman proposed each Commissioner check their schedule for a targeted meeting date of Tuesday, March 29, 2011 and welcomed participation from the Commissioners and residents of the community. Commissioner Hoffman also suggested the Commissioners and residents of the community talk to their legislators to assist the Authority in obtaining some additional revenue sources to close the gap between the revenues and expenditures as shown in the Fiscal Year 2012 Budget.

Commissioner Heaton also requested to get with legal counsel prior to the proposed meeting date to review legislature that was passed several years ago regarding the Orleans Levee Police Department. Commissioner Heaton suggested reviewing that Statute because it is a large budget item.

Motion 07-031711 approving the 2012 Fiscal Budget, offered by Commissioner Saizan and seconded by Commissioner Heaton was deferred until a mutually agreed upon date between March 28 and March 30, 2011.

**Motion 01-031711**

The Non-Flood Protection Asset Management Authority's primary and excess property (wind/fire) insurance coverage will expire on April 21, 2010. Eagan Insurance Agency shopped the market for said coverage, and obtained a quote for \$5 million of primary coverage from Ironshore Specialty Insurance Company and \$10 million in excess fire from Arch Specialty Insurance and Landmark Insurance for a total estimated annual premium of \$333,234.00. The said coverage contains a \$100,000.00 minimum deductible or a 3% deductible for each building value for wind, hail and cyclone and other conditions as defined in the policy, and a \$25,000.00 per occurrence deductible for fire and other conditions as defined in the policy. The Non-Flood Protection Asset Management Authority authorizes the procurement of primary and excess property (wind/fire) insurance coverage for properties under the jurisdiction of the Non-Flood Protection Asset Management Authority through the Eagan Insurance Agency at an estimated annual cost of \$333,234,000 for a one year period commencing April 21, 2011. The Authority authorizes the Chairman or Executive Director to sign any and all documents necessary to carry out the above.

Mr. Tim Avegno with Eagan Insurance informed that coverage last year was at a value of \$38,795,000. Coverage was increased this year to \$46,725,000. The premium went up slightly but not proportionately with the values; therefore there was a reduction in the rates which is reflected in the overall premium. Mr. Avegno informed that the best price available in the marketplace was selected. This policy begins on April 21 and runs from that period of time. Commissioner Bridges questioned if there was an opportunity to synchronize this insurance with the fiscal year. Mr. Avegno informed that it is a possibility. An extended policy is an option but there are issues regarding issuing quotes while there is a named storm in the Caribbean. Therefore it is preferred that quotes are given out of the storm season. Commissioner Bridges questioned if this insurance could be acquired through the Office of Risk Management. Mr. Capo stated that years back Ms. Carol Keifer approached ORM but for the last 10-15 years we have gone with a private carrier. Mr. Avegno advised that the State of Louisiana has a huge insurance program but they are self insured. It is not realistic because their deductible is much higher.

Motion 01-031711 offered by Commissioner Hoffman, seconded by Commissioner Ernst, was unanimously adopted to wit:

**MOTION:** 01-031711  
**RESOLUTION:** 01-031711  
**BY:** COMMISSIONER HOFFMAN  
**SECONDED BY:** COMMISSIONER ERNST

**March 17, 2011**

**RESOLUTION**

**WHEREAS**, the Non-Flood Protection Asset Management Authority was established by Act 1014 of 2010 by the Louisiana Legislature effective August 15, 2010 and is the governing authority of the Non-Flood Division of Orleans Levee District (“OLD”), and an agency of the State of Louisiana placed within the Louisiana Department of Transportation and Development as provided under Title 36, Section 801.1 (A) of the Louisiana Revised Statutes;

**WHEREAS**, Non-Flood Protection Asset Management Authority’s primary and excess property (wind/fire) property insurance coverage will expire on April 21, 2010; and

**WHEREAS**, Eagan Insurance Agency shopped the market for said coverage, and obtained a quote for \$5 million of primary coverage from Ironshore Specialty Insurance Company, a non-admitted insurance carrier, AM Best Rated A-XI, and a \$10 million in excess fire from Arch Specialty Insurance and Landmark Insurance for \$214,469,000, plus \$15,864.00 in Surplus Line Tax and a \$100.00 policy fee, for a total annual estimated cost of \$333,234.00.

**WHEREAS**, said coverage contains a \$100,000.00 minimum per occurrence deductible or a three percent (3%) deductible for each building value for wind, hail and cyclone and other conditions as defined in the policy, and a \$25,000.00 per occurrence deductible for fire and other conditions as defined in the policy; and

**WHEREAS**, the properties to be insured are under the jurisdiction of the Non-Flood Protection Asset Management Authority.

**BE IT RESOLVED;** that the Non-Flood Protection Asset Management Authority authorizes the procurement of primary and excess property (wind/fire) insurance coverage for properties under the jurisdiction of the Non-Flood Protection Asset Management Authority for \$5 million in primary coverage from Ironshore Specialty Insurance Company and \$10 million in excess coverage from Arch Specialty Insurance and Landmark Insurance for \$214,469,000, plus \$15,864.00 in Surplus Line Tax and a \$100.00 policy fee, for a total annual estimated cost of \$333,234.00 through the Eagan Insurance Agency for a one year period commencing April 21, 2011.

**BE IT FURTHER RESOLVED;** that the Authority hereby authorizes the Chairman or Executive Director to sign any and all other documents to carry out the above.

**AYES:** ERNST, HOFFMAN, HEATON, BRIDGES, BRIEN,  
DUFRECHOU, SAIZAN, CANTRELLE

**NAYS:**

**ABSTAIN:**

**ABSENT:** LUPO, HASSINGER, BAUDY, TRASK

**RESOLUTION ADOPTED:** YES

**Motion 02-031711**

The Public Officials Liability and Employment Practices Liability Insurance Coverage for the Non-Flood Protection Asset Management Authority expired on March 16, 2011. A quotation was received to acquire said coverage from ACE through Arthur Gallagher Risk Management Services at an annual estimated premium of \$21,137 for \$3 million in coverage and retro dates. The Non-Flood Protection Asset Management Authority authorizes the acquisition of Public Officials Liability and Employment Practices Liability Insurance from ACE at an annual estimated premium of \$21,137 for \$3 million in coverage and retro dates. The Authority hereby authorizes the Chairman or Executive Director to sign any and all other documents to carry out the above.

Mr. Harde Hedgecombe from Gallagher Risk Management Services advised that this coverage will be \$3 million of insurance for public officials and employment practices. There is no retention in it and it will be backdated to March 16, 2011 which is the date Non-Flood Protection Asset Management Authority was officially off the Southeast Flood policy. This can be extended for an April date and a 13 month policy period. Mr. Hedgecombe advised the will inquire if a June 30<sup>th</sup> date could be issued and if so, the premium will be pro-rated.

Motion 02-031711 offered by Commissioner Hoffman, seconded by Commissioner Ernst, was unanimously adopted to wit:

**MOTION:** 02-031711

**RESOLUTION:** 02-031711

**BY:** COMMISSIONER HOFFMAN

**SECONDED BY:** COMMISSIONER ERNST

**March 17, 2011**

**RESOLUTION**

**WHEREAS,** the Non-Flood Protection Asset Management Authority was established by Act 1014 of 2010 by the Louisiana Legislature effective August 15, 2010 and is the governing authority of the Non-Flood Division of Orleans Levee District (“OLD”), and an agency of the State of Louisiana placed within the Louisiana Department of Transportation and Development as provided under Title 36, Section 801.1 (A) of the Louisiana Revised Statutes;

**WHEREAS,** the Public Officials Liability and Employment Practices Liability Insurance Coverage for the Non-Flood Protection Asset Management Authority expired on March 16, 2010; and

**WHEREAS,** a quotation was received to acquire said coverage from ACE through Arthur Gallagher Risk Management Services at an annual estimated premium of \$21,137.50 for \$3 million in coverage and retro dates.

**BE IT HEREBY RESOLVED;** that the Non-Flood Protection Asset Management Authority authorizes the acquisition of Public Officials Liability and Employment Practices Liability Insurance Coverage from ACE at an annual estimated premium of \$21,137.50 for \$3 million in coverage and retro dates.

**BE IT FURTHER RESOLVED;** that the Authority hereby authorizes the Chairman or Executive Director to sign any and all other documents to carry out the above.

**AYES:** ERNST, HOFFMAN, HEATON, BRIDGES, BRIEN,  
DUFRECHOU, SAIZAN, CANTRELLE

**NAYS:**

**ABSTAIN:**

**ABSENT:** LUPO, HASSINGER, BAUDY, TRASK

**RESOLUTION ADOPTED:** YES

**Motion 03-031711**

The World Triathlon Corporation, organizers of the Ochsner Ironman 70.3, 5i50 Triathlon, and the Iron Girl series, through its Managing/Operations Director, Bill Burke, has requested to use Lakeshore Drive for the upcoming events. The events will be held on April 17, 2011, Ochsner Ironman 70.3, and May 15, 2011 5i50 Triathlon, and May 22, 2011, Iron Girl. The World Triathlon Corporation, Organizers of the Ochsner Ironman 70.3, 5i50 Triathlon, and the Iron Girl series, through its Managing/Operations Director, Bill Burke has agreed to provide the necessary insurance and to pay a fee of \$1.25 per participant. The Authority approved the request by World Triathlon Corporation, organizers of the Ochsner Ironman 70.3, 5i50 Triathlon, and the Iron Girl series, through its Managing/Operations Director, Bill Burke to use Lakeshore Dr. with the stipulation that the World Triathlon Corporation provide the necessary insurance and pay a fee of \$1.25 per participant. The Authority hereby authorizes the Authority Chairman or Executive Director to sign any and all other documents necessary to carry out the above.

Commissioner Saizan asked if the races would be televised. Mr. Bill Burke advised that the Ironman 70.3 will be televised on ESPN 2 on a tape delayed basis. Mr. Burke informed that he brought that event to New Orleans 2 years ago. The Ironman Corporation is bringing more events here because since its inception it is one of the largest Triathlon races in the world. In its first year here, the University of New Orleans had an economic impact study done showing that this competition brought \$13 million for the city for that weekend. Mr. Burke advised the board that prior to Katrina he produced a number of these events in the city under a different name. Mr. Burke wanted to ensure that the residents along Lake Terrace and in the cul-de-sac would be able to access their homes. Police officers will be stationed to assist and chaperone residents for the duration of the event.

Chairman Saizan questioned how many participants would be attending the event. Mr. Burke advised that there would be approximately 2,500 in the 70.3 Ironman event. There will be athletes from all 50 states and 13 countries. The first person will finish the event in 4 hours and the last person has an 8 hour time limit. In mid May there will be the 5150 Triathlon and there will be approximately 1,500 athletes. This is an Olympic distance triathlon. There is also the Irongirl Triathlon, which is a new women's event, which will be scheduled for May 22, 2011 and will bring in an additional 1,500 women. Next year there will be an Ironkids Triathlon starting at UNO. There will be approximately 1,800 children between the ages of 7-14 participating in this event.

Commissioner Saizan questioned where the race would be starting. Mr. Burke advised that the event will begin on the large grass field at UNO. Mr. Burke informed that a landscaper was hired to cut and manicure the grass and clean the beaches for the event. The race starts as a 1.2 mile swim followed by a bike ride heading west to east over the Seabrook Bridge. This is a 56 mile bike race followed by a run starting at UNO along Lakeshore Dr. and ending in Jackson Square. In all three events there is a relay component where the family can participate in different aspects of the event. There is a contract for parking with UNO so people can park at UNO and watch the swim event and the beginning of the bike race at which time there is an option to leave UNO and proceed to Jackson Square for breakfast and wait for the finish of the race at Jackson Square. In the event of rain which would raise the bacteria levels in the lake, this portion of the event could be cancelled making the event a run, bike, run event.

Commissioner Ernst inquired if there would be an indemnity insurance agreement. Mr. Burke advised that there is an indemnity agreement and also a waiver of subrogation. The event is insured through USA Triathlon. It is a \$5 million dollar policy and has met all standards of the Levee District.

Motion 03-031711 offered by Commissioner Saizan, seconded by Commissioner Brien, was unanimously adopted to wit:

**MOTION: 03-031711**  
**RESOLUTION: 03-031711**  
**BY: COMMISSIONER SAIZAN**  
**SECONDED BY: COMMISSIONER BRIEN**

**March 17, 2011**

**RESOLUTION**

**WHEREAS**, the Non-Flood Protection Asset Management Authority was established by Act 1014 of 2010 by the Louisiana Legislature effective August 15, 2010 and is the governing authority of the Non-Flood Division of Orleans Levee District (“OLD”), and an agency of the State of Louisiana placed within the Louisiana Department of Transportation and Development as provided under Title 36, Section 801.1 (A) of the Louisiana Revised Statutes;

**WHEREAS**, the World Triathlon Corporation, organizers of the Ochsner Ironman 70.3, 5i50 Triathlon, and the Iron Girl series, through its Managing/Operations Director, Bill Burke has requested to use Lakeshore Drive for the upcoming events; and

**WHEREAS**, the events will be held on April 17, 2011, Ochsner Ironman 70.3, and May 15, 2011 5i50 Triathlon, and May 22, 2011, Iron Girl;

**WHEREAS**, the World Triathlon Corporation, Organizers of the Ochsner Ironman 70.3, 5i50 Triathlon, and the Iron Girl series, through its Managing/Operations Director, Bill Burke has agreed to provide the necessary insurance and to pay a fee of \$1.25 per participant; and

**BE IT RESOLVED**, that the Authority approve the request by World Triathlon Corporation, organizers of the Ochsner Ironman 70.3, 5i50 Triathlon, and the Iron Girl series, through its Managing/Operations Director, Bill Burke to use Lakeshore Dr. with the stipulation that the World Triathlon

Corporation provide the necessary insurance and pay a fee of \$1.25 per participant.

**BE IT FURTHER RESOLVED**, that the Authority hereby authorizes the Authority Chairman or Executive Director to sign any and all other documents to carry out the above.

**AYES:** ERNST, HOFFMAN, HEATON, BRIDGES, BRIEN,  
DUFRECHOU, SAIZAN, CANTRELLE

**NAYS:**

**ABSTAIN:**

**ABSENT:** LUPO, HASSINGER, BAUDY, TRASK

**RESOLUTION ADOPTED:** YES

**Motion 04-031711**

The New Orleans Lakefront Airport is one of the non-flood assets of the Orleans Levee District under the management and control of the Authority. The Airport is subject to regulations of the Federal Aviation Administration. J. E. "Sandy" Murdock, III is an attorney who has specialized in legal matters involving airports and the FAA for over 40 years and was engaged by the former Board of Commissioners to render legal services involving the New Orleans Lakefront Airport. The Authority desires to enter into a professional services contract with J. E. "Sandy" Murdock to handle legal matters at the New Orleans Lakefront Airport involving the FAA, for a term of one year, effective February 1, 2011 and expiring on June 30, 2011, at a rate of \$200.00 per hour for legal services, plus expenses, under the terms and conditions specified in the attached Professional Legal Services Contract. In accordance with Louisiana law, the Professional Legal Services Contract is subject to approval by the Office of the Attorney General of the State of Louisiana. The Management Authority approves a Professional Legal Services Contract with J. E. "Sandy" Murdock under the terms and conditions specified in the attached Professional Legal Services Contract, subject to approval by the Office of the Attorney General of the State of Louisiana. The Management Authority Chairman or Executive Director be and is authorized to sign the Professional Legal Services Contract with J. E. "Sandy" Murdock and sign any and all other documents to carry out the above.

Mr. Capo advised that from time to time there are FAA issues which require the services of an attorney specializing in that area of law.

Commissioner Heaton pointed out that in this time of dire economic straights, we hire counsel which may save the Authority money because of the very complex litigation involved.

Motion 04-031711 offered by Commissioner Ernst, seconded by Commissioner Saizan, was unanimously adopted to wit:

**MOTION:** 04-031711

**RESOLUTION:** 04-031711

**BY:** COMMISSIONER ERNST

**SECONDED BY:** COMMISSIONER SAIZAN

March 17, 2011

**RESOLUTION**

**WHEREAS**, the Non-Flood Protection Asset Management Authority ("Management Authority") was established by Act 1014 of 2010 by the Louisiana Legislature, effective August 15, 2010, and is the governing authority of the non-flood assets of the Orleans Levee District ("OLD"), and an agency of the State of

Louisiana placed within the Louisiana Department of Transportation and Development, as provided under Title 36, Section 801.1 (A) of the Louisiana Revised Statutes;

**WHEREAS**, the New Orleans Lakefront Airport (the “Airport”) is one of the non-flood assets of the Orleans Levee District under the management and control of the Authority;

**WHEREAS**, the Airport is subject to regulations of the Federal Aviation Administration (“FAA”);

**WHEREAS**, occasions arise when the authority needs the professional services of legal counsel on legal matters and issues involving the Airport and Federal Aviation Administration;

**WHEREAS**, J. E. “Sandy” Murdock, III, Esq., 5034 Nebraska Avenue, Washington, D.C. 20008, is an attorney who has specialized in legal matters involving airports and the FAA for over 40 years and was engaged by the former Board of Commissioners of the Orleans Levee District to render legal services involving the New Orleans Lakefront Airport;

**WHEREAS**, the Authority desires to enter into a professional services contract with said J. E. “Sandy” Murdock, III, Esq., to handle legal matters at the New Orleans Lakefront Airport involving the FAA, for a term of one year, effective on February 1, 2011 and expiring on June 30, 2011, at a rate of \$200.00 per hour for legal services, plus expenses, and under the terms and conditions specified in the attached Professional Legal Services Contract;

**WHEREAS**, in accordance with Louisiana law, the Professional Legal Services Contract is subject to approval by the Office of the Attorney General of the State of Louisiana.

**WHEREAS**, after consideration of the Professional Legal Services Contract with J. E. “Sandy” Murdock, III, Esq., the Management Authority considers it to be in the best interest of the OLD to approve the Professional Legal Services Contract with J. E. “Sandy” Murdock, III, Esq., under the term and conditions specified in the attached Professional Legal Services Contract; and,

**BE IT HEREBY RESOLVED**, that the Management Authority approves a Professional Legal Services Contract with J. E. “Sandy” Murdock, III, Esq., under the terms and conditions specified in the attached Professional Legal Services Contract, subject to approval by the Office of the Attorney General of the State of Louisiana.

**BE IT FURTHER RESOLVED**, that the Management Authority Chairman or Executive Director be and is hereby authorized to sign the Professional Legal Services Contract with J. E. “Sandy” Murdock, III, Esq., and sign any and all other documents to carry out the above.

**AYES: ERNST, HOFFMAN, HEATON, BRIDGES, BRIEN,  
DUFRECHOU, SAIZAN, CANTRELLE**

**NAYS:**

**ABSTAIN:**

**ABSENT: LUPO, HASSINGER, BAUDY, TRASK**

**RESOLUTION ADOPTED: YES**

**Motion 05-031711**

Occasions arise when the Management Authority needs the professional services of legal counsel on legal matters and issues involving employment law and cases before the Louisiana State Department of Civil Service. Keith M. Pyburn, Jr. of the law firm of Fisher & Phillips, L.L.P. is an attorney who has specialized in matters involving employment law for over 35 years. The Management Authority desires to enter into a professional services contract with Fisher & Phillips to handle employment related legal matters and cases before the Louisiana State Department of Civil Service, effective on February 1, 2011 and expiring on June 30, 2011, at a rate of \$225.00 per hour for legal services, plus expenses, under the terms and conditions specified in the attached Professional Legal Services Contract. In accordance with Louisiana law, the Professional Legal Services Contract is subject to approval by the Office of the Attorney General of the State of Louisiana. The Management Authority approves a Professional Legal Services Contract with Fisher & Phillips, L.L.P., under the terms and conditions specified in the attached Professional Legal Services Contract, subject to approval by the Office of the Attorney General of the State of Louisiana. The Management Authority Chairman or Executive Director be and is hereby authorized to sign the Professional Legal Services Contract with Fisher & Phillips, L.L.P., along with all other documents to carry out the above.

Mr. Capo stated that he spoke with Mr. Brock Boren, attorney for the Department of Civil Service and he recommended that if we have any issues coming before us for the Dept. of Civil Service that we have a contract with an attorney who has knowledge of Civil Service employment law. We are asking for a 5 month contract with Keith Pyburn.

Commissioner Heaton suggested this go before the legal committee because there are firms in the city who may be less expensive because the rates provided for Fisher & Phillips are way above the Attorney General's approved rate and there are other local firms who specialize in this area of law. Mr. Capo stated that we can wait although he was notified by counsel of a pending appeal before the Civil Service. Mr. Capo informed that this would be capped at \$25,000 and would expire June 30, 2011. Mr. Capo informed that the maximum rate for a Civil Service attorney is \$175.00 with 10 years of experience.

Motion 05-031711 offered by Commissioner Dufrechou, seconded by Commissioner Heaton was deferred pending a special Legal Committee meeting.

**Motion 06-031711**

The Non-Flood Protection Asset Management Authority wishes to increase Disadvantaged Business Enterprise (DBE) participation in goods and services provided to the Board. The current DBE policy and implementation criteria should be included in all Authority Construction and Professional Services contracts. The Louisiana Department of Transportation and Development and the Federal Aviation Administration have required DBE provisions which must be followed by recipient of all grant funds. It is the Authority's intent to update and revise the Authority's contracts to reflect current laws and regulations. All Agreements for Professional Services and Construction Contracts include the DBE provision.

Mr. Capo stated this was previously discussed regarding implementing a DBE policy. This is an updated policy that was passed by the former Orleans Levee District. Mr. Capo informed that this was a good policy to continue by this Authority. Commissioner Hoffman stated that a policy has not been adopted for the Authority and we should be on record with a policy.

Motion 06-031711 offered by Commissioner Saizan, seconded by Commissioner Brien was unanimously adopted to wit:

**MOTION:** 06-031711  
**RESOLUTION:** 06-031711  
**BY:** COMMISSIONER SAIZAN  
**SECONDED BY:** COMMISSIONER BRIEN

March 17, 2011

**RESOLUTION**

**WHEREAS**, the Non-Flood Protection Asset Management Authority was established by Act 1014 of 2010 by the Louisiana Legislature, effective August 15, 2010, and is the governing authority of the non-flood assets of the Orleans Levee District (“OLD”), and an agency of the State of Louisiana placed within the Louisiana Department of Transportation and Development, as provided under Title 36, Section 801.1 (A) of the Louisiana Revised Statutes;

**WHEREAS**, the Non-Flood Protection Asset Management Authority (the Authority) wishes to increase Disadvantaged Business Enterprise (DBE) participation in goods and services provided to the Board; and

**WHEREAS**, the current DBE policy and implementation criteria should be included in all Authority Construction and Professional Services contracts; and

**WHEREAS**, *the Louisiana Department of Transportation and Development (LADOTD) and the Federal Aviation Administration have required DBE provisions which must be followed by recipient of all grant funds; and*

**WHEREAS**, it is the Authority’s intent to update and revise the Authority’s contracts to reflect current laws and regulations.

**BE IT HEREBY RESOLVED**, That all Agreements for Professional Services and Construction Contracts include a DBE provision to reflect the following:

It is the established policy of the Non-Flood Protection Asset Management Authority to provide reasonable opportunities for Disadvantaged Business Enterprises to compete for or perform on contracts first by the Authority. Toward this end, the Authority encourages, to the extent feasible, the structuring of major projects into categories which may be commensurate with the capabilities of Disadvantaged Business Enterprises and actively encourages major prime contractors to provide opportunities for these businesses to become involved as subcontractors. The goal for participation is 16%.

Whenever the decision is made to sublet any of the work required under this contract, affirmative steps should be taken to include small business and disadvantaged/women owned business participation. A list of certified firms in each specialized field may be obtained from the Compliance Department of the Non-Flood Protection Asset Management Authority. Affirmative steps shall include the following:

Including qualified small and disadvantaged/women businesses in all solicitation lists.

The contractor is requested to include a statement detailing its efforts to comply with the DBE goal.

Assuring that small and disadvantaged/women businesses are solicited whenever they are potential sources.

When economically feasible and it is in compliance with public bid laws and the FAA, dividing total requirements into smaller tasks or quantities so as to permit maximum small and disadvantaged/women business participation.

Where the requirements permit, establishing delivery schedules which will encourage participation by small and disadvantaged/women businesses.

Using the services and assistance of the Small Business Administration, the Office of Disadvantaged Business Enterprise of the Department of Commerce and the Community Services Administration as required.

Also, the contractor is encouraged to procure goods and services from labor surplus areas.

\*Disadvantaged Business Enterprise\* means a small business organized for profit performing a commercially useful function which is owned and controlled by one or more DBE individuals or businesses. Owned and controlled means a business in which one or more DBE owns at least fifty-one percent, or in the case of a corporation, at least fifty-one percent of the voting stock and controls at least one percent of the management and daily business operations of the business.

The consultant/contractor is to indicate that portion of the invoice that is DBE related.

**AYES:** ERNST, HOFFMAN, HEATON, BRIDGES, BRIEN,  
DUFRECHOU, SAIZAN, CANTRELLE

**NAYS:**

**ABSTAIN:**

**ABSENT:** LUPO, HASSINGER, BAUDY, TRASK

**RESOLUTION ADOPTED:** YES

Ms. Nina Marchand of the Compliance Dept. stated that each year she submits changes to the FAA to make sure we stay up to date on the plan. Ms. Marchand stated that there are other issues that need to be moved on by the Board as the information is not in the handout provided to the Board. When grant funds are received from the FAA, the FAA looks at the policy of place to make sure that it is up to date.

### **PUBLIC COMMENTS**

Mr. Tom Bagwill, President of the Lake Terrace Crime Prevention District stated that the Lake Terrace Crime Prevention District is more than happy to work with the Authority to answer questions the Authority may have and to share thoughts regarding the Levee Board Police Department. Mr. Bagwill requested to be informed of the upcoming meeting regarding the FY 2012 Budget so residents may attend to express views and concerns regarding the budgetary issues concerning the Levee Board Police. Mr. Bagwill informed that Lake Terrace Crime Prevention District contracts with several officers for private patrol.

Commissioner Ernst questioned the options that are available for the police as this was never brought to the Board or the Police Committee and this should be considered by the Committee before it is brought to the Full Board. Commissioner Hoffman stated that from a practical standpoint our option is to either have the revenues to fund or not be able to fund the police department. We are working on alternatives in order to be able to increase revenue for this Authority to be able to fund the police or to look at other options such as getting the Flood side to take on the responsibility of the police department which would be the most reasonable solution. The other alternative is to talk to the New Orleans Police Department to see if there is a way to integrate the Levee District Police with the New Orleans Police. Commissioner Ernst stated that there was discussion with the Flood side regarding the Levee District Police but the Flood side has rejected the Authority's proposal. Commissioner Heaton stated that this needs to come formally from the Non-Flood Protection Asset Management Authority board to the Flood side's board. Commissioner Heaton informed that the Flood Authority met and adopted the FY 2012 budget which only included the police currently in the budget.

Commissioner Ernst questioned what would happen if we are not able to come up with a funding alternative before April 1, 2011 and we have to face the reality that we don't have the funds to pay the police? If that happens before April 1<sup>st</sup>, what are we doing to address the concerns of the neighborhoods here for police protection? Commissioner Heaton stated that this is being handled as a financial issue. There was a public budget hearing but at that time we were gathering information, we were not presenting the public. What we are feeling is the push back of the budget hearing and the dire financial situation. Tonight was really the first time that the public saw in writing the potential cuts that may be adopted.

Ms. Susan Bollington, a property owner is Lake Terrace, questioned the funds paid in January for crime prevention services in Lake Terrace. Ms. Bollington questioned what would happen to the \$300 paid in January for crime prevention services if the Levee District Police are eliminated April 1, 2011. Commissioner Cantrelle advised that the money is not paid to the Levee Board. The money is put into a fund and paid to whoever the contract is with on a monthly basis. If the Police Department is eliminated, a new entity would be retained for crime prevention services and the costs for the crime prevention would be paid with the remaining money for that service.

#### **ANNOUNCEMENT OF NEXT BOARD MEETING**

Mr. Capo announced the next board meeting scheduled for Thursday, April 21, 2011 at 5:30 p.m.

#### **ADJOURNMENT**

Commissioner Brien offered a motion to adjourn, seconded by Commissioner Cantrelle and unanimously adopted.

The meeting adjourned at 7:00 p.m.